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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,420	02/23/2004	Rutger van Dalen	DECLER9.001C1	8607
29995 7590 12/26/2008 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER PATEL, HARESH N				
ART UNIT 2454		PAPER NUMBER		
NOTIFICATION DATE 12/26/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
eOAPilot@kmob.com

### Office Action Summary

**Application No.**

10/785,420

**Applicant(s)**

DALEN, RUTGER VAN

**Examiner**

HARESH N. PATEL

**Art Unit**

2454

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 6 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-3 is/are rejected.  
7) ☒ Claim(s) 6 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 26 September 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-3, 6 are subject to examination. Claim 6 is allowable but objected to. Claims 4, 5 are cancelled.

***Drawings***

2. The figures submitted on 9/26/08 are acknowledged.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Narasimhan et al. 6,446,192 (Hereinafter Narasimhan) , as per office action, paper dated 9/26/08. Please note: amendments to the claims 1-3 do not alter the scope of the invention.
5. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Horbal et al. 6,112,246 (Hereinafter Horbal) , as per office action, paper dated 9/26/08. Please note: amendments to the claims 1-3 do not alter the scope of the invention.

6. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Boudou et al. 6,839,756 (Hereinafter Boudou) , as per office action, paper dated 9/26/08. Please note: amendments to the claims 1-3 do not alter the scope of the invention.

***Response to Arguments***

7. Applicant's arguments filed 9/26/08, pages 5-8, have been fully considered but they are not persuasive. Therefore, rejection of claims 1-3 is maintained.

Regarding the applicant's concern, Narasimhan describes the functionality and architecture of an integrated circuit (IC) that performs a number of networking functions, among which is web server function. The IC is used as a co-processor in an embedded system and, as such, incorporates the TCP/IP protocol stack in hardware. The architecture of the TCP/IP protocol stack is not described. The IC connects to the embedded processor through a hardware interface. The embedded processor hosts the software to control the IC and its integrated networking functions. Narasimhan is silent at least regarding an architecture for Internet communication software for embedded platforms based on a network of software multiplexers and demultiplexers controlled by an integrated protocol engine. Horbal describes a system and method for accessing an embedded device where the device acts as a web (HTTP) server. Using a standard browser, functionality supported by the device can be accessed through a series of web pages served by the device, for instance to modify parameters or to review settings. Horbal does not describe the architecture of the TCP/IP protocol stack. Instead, it describes an Application Programming Interface (API) to simplify the software development effort associated with network programming. Horbal is silent at least regarding an architecture for Internet

communication software for embedded platforms based on a network of software multiplexers and demultiplexers controlled by an integrated protocol engine. Boudou describes a chip card reader that provides a web interface to access (activate) applications hosted by the chip card. Horbal is also silent at least regarding an architecture for Internet communication software for embedded platforms based on a network of software multiplexers and demultiplexers controlled by an integrated protocol engine, etc; the examiner respectfully disagrees. The relied upon disclosure and the teachings of the Narasimhan, Horbal, Boudou are not limited as concluded by the applicant. Narasimhan, Horbal, Boudou disclose the broadly claimed limitations, i.e., please see the cited portions among other places of the cited art that not only contain the applicant concerned content of the art but also the relied upon limitations. The specification of the application under prosecution at page 7, etc., contains, "It is mentioned that for other embedded applications the serial communication architecture of the present invention can be used as well.", etc. Further, when reviewing a reference the applicants should remember that not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. **In re Preda**, 401 F. 2d 825, 159 USPQ 342 (CCPA 1968) and **In re Shepard**, 319 F. 2d 194, 138 USPQ 148 (CCPA 1963). Skill in the art is presumed. **In re Sovish**, 769 F. 2d 738, 226 USPQ 771 (Fed. Cir. 1985). Every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. **In re Bode**, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977).

***Allowable Subject Matter***

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The applicant is encouraged to provide each claims 1 and 3 along with the limitations of claims 6 to make them allowable, which would be entered if provided in response to this office action.

***Conclusion***

8. In order to expedite the prosecution of this case, multiple references are used for the rejections to demonstrate that several references disclose the claimed subject matter of the claims.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner has cited particular columns and line numbers and/or paragraphs and/or sections and/or page numbers in the reference(s) as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety, as potentially teaching, all or part of the claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/785,420  
Art Unit: 2454

Page 7

/Haresh N. Patel/

Primary Examiner, Art Unit 2454

12/19/08